

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7639 of 2021**

1. Bablu, S/o Dinesh Patel, aged about 19 years,
2. Shailesh Patel, S/o Vijay Patel, aged about 19 years,

Both are R/o Village – Samnapur, Police Station Kawardha, District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through – District Magistrate, Kawardha, District Kabirdham (C.G.)

----Non-applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant	:	Ms. Akshra Amit, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****22-11-2021**

1. The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 107/2021 registered at Police Station Kawardha, District – Kabirdham (C.G.) for the commission of offence punishable under Sections 457, 380 & 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 27.12.2020 some unknown persons broken the lock of kitchen of the house of complainant – Sunil Patel and stolen Rs. 1,50,000/- from his house. Based on the above facts, present crime was registered against the unknown persons under Section 457 & 380 of the IPC. During course of investigation, applicant and other co-accused persons were caught red handed and on the basis of their memorandum, stolen amount was seized from their possession and they were arrested in the present case.

3. Learned counsel for the applicants would submit that applicant has falsely been implicated in the crime in question as the seizure made is false & fabricated. He would further submit that applicants are in detention since 13.09.2021; charge-sheet has already been filed and as the applicants are permanent resident of District Kabirdham, therefore, there is no chance to influence the prosecution witnesses and absconding of the accused/applicants, thus, the applicants may be enlarged on bail.

4. Per contra, counsel for the State opposes the submissions made by counsel for the applicants stating that as the applicants are the habitual offender, they are not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

5. Considering the facts & circumstances of the case, nature & gravity of the offence, particularly the detention period of the applicants; charge-sheet has already been filed and totality of the facts; I feel inclined to grant bail to the applicants. Accordingly, the bail application is allowed.

6. Accused/applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

